

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MANFRED HEISLER ET AL.

Group Art Unit: 1723

Examiner: David L. Sorkin

Serial No.: 10/802,455

Filed: March 17, 2004

For: PROCESS FOR THE CONTINUOUS PREPARATION OF
HIGH-VISCOSITY SILICONE COMPOSITIONS

Attorney Docket No.: WAS 0627 PUS

**RESPONSE TO NOTICE OF NON-COMPLIANT
APPEAL BRIEF UNDER 37 CFR § 1.121**

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated July 10, 2007, kindly substitute the attached Section V, "Summary of Claimed Subject Matter" (page 2) for that same section presented in the Appeal Brief as filed on April 23, 2007, per MPEP § 1205.03(B). The amended Summary of claimed Subject Matter refers to page and line numbers in the body of the specification and to the drawing figure where appropriate, and is believed to fully comply with all requirements of 37 C.F.R. § 41.37. The entire brief is not resubmitted, pursuant to MPEP § 1205.03 (B). A copy of the Notice of Non-Compliant Appeal Brief is also enclosed.

Respectfully submitted,

MANFRED HEISLER et al.

By: 

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Date: July 26, 2007
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II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 - 17 are pending in this application. Claims 1 - 17 have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

An amendment after final rejection was filed on January 19, 2007 and has been denied entry.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter is directed to a process for preparing organopolysiloxane compositions having a viscosity measured at 25°C of at least 500 Pa·s. (page 3, lines 1 - 3; claim 1 as filed), comprising mixing and kneading organopolysiloxanes (O) and fillers (F) in a first process stage in a kneading cascade having at least two kneading chambers which are arranged in series adjacent one another, each containing two kneading tools having parallel axes and capable of being driven in co-rotating or counter-rotating directions, said chambers connected to one another by means of openings through which material passes in a direction transverse to the axes of the kneading tools (page 3, lines 4 - 9; 1 in Figure 1; claim 1 as filed), at least the first kneading chamber having a feed opening (page 3, lines 10; 5, 6 in Figure 1; claim 1 as filed) and the last kneading chamber having a discharge opening, to provide a raw organopolysiloxane mixture, and, in a second process stage, kneading and degassing the raw mixture in a reciprocating kneader (page 3, lines 11 - 12; 2 in Figure 1. Claim 1 as filed).



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/802,455 | 03/17/2004 | Manfred Heisler | WAS 0627 PUS | 4002 |
| 22045 | 7590 | 07/10/2007 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | | |
| ART UNIT | | | PAPER NUMBER | |

DATE MAILED: 07/10/2007

Due: 8-10-07
[Signature]

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/802,455

Applicant(s)

HEISLER ET AL.

Examiner

David L. Sorkin

Art Unit

1723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

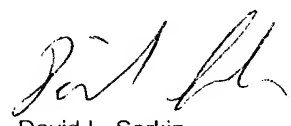
The Appeal Brief filed on 23 April 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The brief merely repeats claim 1, rather than providing the required Summary of Claimed Subject Matter. The claimed features shown in the drawing must be identified by reference characters. The summary must explain the claimed subject matter, not just repeat the independent claim.



David L. Sorkin
Primary Examiner
Art Unit: 1723